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PROPOSALS FOR THE NEUTRALITY OF THE BRITISH COLONIES

THE question of the neutrality of the British colonies is by no means new. It is a hardy perennial which keeps cropping up from time to time at moments of international complication and danger. From the days of the American colonies to our own time it has troubled the minds of colonial and imperial statesmen. In times of peace the issue lies quiescent and apparently dead, but on the outbreak of war it quickly revives. During the World War it took on a new and more vigorous lease of life.[1] The Treaty of Versailles and the conference at Cannes[2] have given it an additional significance. In brief, the question has been transformed from a theoretical issue into a matter of practical politics. The self-governing Dominions have undoubtedly acquired a new international status but it is by no means certain what that status is in international law or according to the provisions of the League of Nations. The question nevertheless is one which may require an early answer.

Probably the earliest attempt to secure immunity for the colonies in time of war is to be found in the closing days of the Stuart régime. The exposed position of the colonies was a continual source of trouble to the English and French governments throughout the seventeenth century. European wars were fought out again on a smaller scale in the overseas possessions. The French government at this time was anxious to arrange a political and commercial treaty with England and had sent a special commissioner to London for that purpose. The moment was opportune to effect such an arrangement, as King

[1] On the outbreak of the war Germany proposed that the colonies of the respective belligerents should be neutralized, but Great Britain refused to entertain the suggestion.

[2] Article IV of the abortive Anglo-French alliance provided that "the present treaty shall impose no obligation upon any of the Dominions of the British Empire unless and until it is approved by the Dominion concerned."

James II was engaged in a bitter controversy with Parliament and felt the need of French support to maintain his throne. A secret agreement was accordingly concluded, one of the clauses of which provided for the neutrality of their respective possessions in case of war between the two nations.[1] The Revolution of 1688, however, put an end to this entangling alliance and nothing more was heard of the matter for many years.

The subject naturally attracted much greater interest in the colonies than in England. From the very beginning, the question of the international status of the colonies has been closely bound up with, and dependent upon, their constitutional relations to the mother country. The colonies were looked upon at first as appanages of the Crown rather than as parliamentary possessions. They derived their powers from the king and carried on their governments subject to his general supervision. It was not until the last half of the seventeenth century that Parliament began to interfere actively in colonial affairs. Some of the colonial governments did not take kindly to this exercise of superior authority over them. Massachusetts took the lead in challenging this attempted usurpation of powers. In 1679, the local assembly distinctly repudiated the new doctrine of imperial parliamentary supremacy and asserted a constitutional equality with the Parliament of Westminster.[2] According to this conception, the relation between the English and colonial governments was in the nature of a personal union under a common sovereign. But, unfortunately for the colonies, Massachusetts was unable to maintain her constitutional contention. She was more than two centuries ahead of the times. Had she succeeded in her claims the whole course of imperial history might have been changed. The Empire would have been speedily transformed from a great imperial state with dependencies into a league or association of equal and independent nations in war as in peace. In other words, the several governments would have been free to direct their own foreign as well as domestic policies according to their particular desires and interests.

[1] Goldwin Smith, *Canada and the Canadian Question*, p. 274.

[2] Story, *Commentaries on the Constitution*, vol. I, p. 173.

For the most part the supremacy of the British government in matters of war and peace was seldom questioned in the colonies. A royal declaration of war was legally binding on the whole Empire irrespective of the wishes or interests of the particular colonies. But the colonies were still left free to determine what part, if any, they would play in the war. Upon this matter there was the widest divergence of policy and practice among the colonies. The northern colonies, by reason of their exposed situation, generally found themselves either voluntarily or involuntarily engaged in a bitter struggle with their French neighbors, whereas the Quakers of Pennsylvania and the inhabitants of the southern colonies usually declined to participate in these wars unless their territories were threatened by invasion. In 1745, for example, upon learning of the outbreak of war in Europe, Massachusetts proceeded to raise an armed force to attack Louisburg, without even waiting for the approval or military assistance of the home government.[1] Great indeed was her anger and disappointment, therefore, when the British government saw fit to hand back her conquest to the French on the conclusion of peace without even taking the trouble to consult her in regard to its disposition. She felt, and justly felt, that she had been swindled out of her victory. In the end, therefore, Massachusetts found herself worse off than her sister colonies which had declined to render aid and had maintained an attitude of virtual neutrality throughout the struggle.

The colonies, moreover, possessed a limited war-making power for purposes of local defense. In some cases this power was expressly conferred by charter, but in the absence of any such grant, the colonies did not fail to exercise the right whenever the circumstances seemed to require it. The independent exercise of this right sometimes led to serious difficulties, inasmuch as the colonial governments could not always agree upon a common course of action in dealing with the enemy. Each government felt free to pursue its own interests irrespective of the wants or necessities of the sister colonies. The colonies had an excellent object-lesson, as regards the danger of dis-

[1] Parkman, *A Half-Century of Conflict*, vol. III, p. 86.

union, in 1754, when a majority of the colonial assemblies declined to come to the aid of Virginia in repelling a dangerous French invasion.

A few of the far-seeing leaders in the colonies had long foreseen the need for uniform action in matters of general concern, particularly foreign affairs. An intercolonial conference was accordingly called at Albany, at which a plan of union was drawn up by Benjamin Franklin for submission to the British government and the colonial legislatures.[1] By one of the provisions of this plan, "the president-general" or governor-in-chief of the proposed federation was authorized, with the advice of the Grand Council, "to hold and direct all Indian treaties in which the general interest of the colonies may be concerned; to make peace or declare war with the Indian nations." The reason for this proposal is clearly set forth in the accompanying explanation,

> but if, in consequence of this power [namely, the independent power of making peace and war] one colony might make peace with a nation that another was justly engaged in war with; or make war on slight occasions without the concurrence or approbation of neighboring colonies greatly endangered by it; or make particular treaties of neutrality in case of a general war to take their own private advantage in trade by supplying the common enemy; of all which there have been instances; it was thought better to have all treaties of a general nature under a general direction that so the good of the whole may be consulted and provided for.

In the minds of the framers of this instrument, the questions of federation, neutrality and treaty-making were all closely interrelated. But the Albany plan of Union signally failed. The scheme was rejected, both by the English Board of Trade and by the colonial assemblies to which it was presented. "The assemblies", according to Franklin, "all thought there was too much prerogative in it and in England it was thought to have too much of the democratic".[2]

About the same time the question of the neutrality of the

[1] *Albany Convention, 1754. Old South Leaflets,* vol. I, no. 9.

[2] *Ibid.*

British possessions in the Far East was engaging the attention of the English government. In 1753 representatives of the French East India Company raised the question with the secret committee of the British East India Company and the matter was subsequently taken up by the French ambassadors with the English ministry.[1] The French East India Company proposed that both the shipping and the settlements of the respective companies "should enjoy the completest neutrality in case of conflict between the two countries." The British Company received the proposition with considerable favor but the English government, as was to be expected, would have nothing to do with it. To the latter, the project presented itself as a clever device of the French to save a portion of their commerce and possessions in time of war. Notwithstanding this rebuff, the French Company renewed its proposal not long after and offered to extend its scope so as to include the Dutch East India Company. The English Company again brought pressure to bear on the authorities at Westminster, but without avail. It soon realized the futility of further representation and dropped the subject.

Nothing further is heard of the proposal for almost a century. For many years after the American Revolution the British colonies played no part in English political life. They were too weak and insignificant to attract much attention at home or abroad. Tory imperialistic ideas were in the ascendency and the colonies were ruled from Downing Street with a firm hand. It was not until the middle of the nineteenth century that the colonies succeeded in freeing themselves from this oppressive régime. The grant of colonial self-government was soon followed by the fiscal emancipation of the colonies. The growing influence of the Little-Englanders threatened to carry this policy still further and to imperil the very existence of the Empire.[2] Many of the leading statesmen of the day, Tory as well as Whig, openly advocated the policy of dismemberment.

[1] Dodwell, *Dupleix and Clive*, p. 76.

[2] Egerton, *A Short History of English Colonial Policy*, pp. 366-69; Schuyler, "The Climax of Anti-Imperialism in England", POLITICAL SCIENCE QUARTERLY, December, 1921.

The grant of responsible government to the colonies necessarily raised the question of colonial responsibility in the matter of defense. The British taxpayer was extremely anxious to get rid of the burden of colonial expenditure, especially in respect to military affairs. To this end a select committee of the House of Commons was appointed in 1861 "to inquire and report whether any and what alterations might be advantageously adopted in regard to the defence of the British dependencies and the proportion of cost of such defence as is now defrayed from imperial and colonial funds respectively." The recommendations of this committee were subsequently embodied in a resolution which was unanimously adopted by the House with an important amendment: [1]

> Resolved that this House while it fully recognizes the claim of all portions of the British Empire on imperial aid against perils arising from the consequences of imperial policy, is of opinion that colonies exercising the rights of self-government ought to undertake the main responsibility of providing for their own internal order and security and ought to assist in their external defence.

The colonies could not long remain indifferent to the manifest course of English policy. The British government had evidently determined to get rid of its colonial responsibilities as soon as possible. This principle was accepted by successive administrations as part of the settled policy of the Empire. From 1867 onwards the process of withdrawing British troops from the colonies was gradually carried out. There were serious complications at the time in Europe and the government felt the need for concentrating its forces at home. The colonies realized their danger and protested in the strongest terms but their protests fell on deaf ears. By 1873 the policy of withdrawal was so far realized that the under-secretary of state for the colonies was able to announce that "the military expenditure for the colonies was now almost entirely for imperial purposes".[2]

[1] Hansard, *Parliamentary Debates,* 164: 1408.

[2] *Ibid.,* 214: 1531.

It was a crucial period in imperial history. There was a general spirit of unrest and dissatisfaction throughout the colonies. In Australasia, several of the colonial governments, particularly that of Victoria,[1] were engaged in warm constitutional controversies with the Colonial Office. Public opinion was still further aroused over the apparently heartless indifference of the British government to the perils of the New Zealand settlers during the Maori War.[2] The colonies felt that they were being cast off by the mother country without due consideration of their needs. They had been thrown on their own resources and henceforth must needs make provision for their own defense.

The matter first came to a head in definite form in the Victoria legislature. Mr. Higinbotham, the foremost champion of the principle of colonial autonomy,[3] brought forward a series of resolutions in the Assembly which raised the whole issue of the future relations of the colonies to the mother country.[4] In the course of the debate Gavan Duffy, a prominent Irish Australian politician, threw out a suggestion that the colonies should be allowed to declare their neutrality in case of war.[5]

If an understanding could be arrived at with the great powers of Europe that British colonies, quasi-independent states—unless they thought proper to lend assistance to the Mother Country in war, unless they elected to declare it a just war which they would take part in—should be relieved from the responsibility, that would be a status upon which the connection between the colonies and the Empire might be made permanent. But a result of this sort is not to be obtained by abstract resolutions. It is to be obtained first by an understanding among the colonies themselves, next by an understanding with the imperial government and finally perhaps by opening negotiations through the imperial government with the great powers of Europe who have lately modified the old rule of international law. This seems to me a partial solution of the difficulty.

[1] Keith, *Responsible Government in the Dominions,* vol. I, pp. 163-168.

[2] Victoria, *Votes and Proceedings of the Legislative Assembly,* 1869, vol. I, pp. 523, 809, 827.

[3] Morris, *Memoir of George Higinbotham,* pp. 160-189.

[4] Victoria, *Parliamentary Debates,* Nov. 13, 1869.

[5] *Ibid.*

A few days later the question came up at an intercolonial conference at Melbourne on a motion by Hon. J. H. Barrow of South Australia, in respect to the withdrawal of the imperial troops: [1]

> As the dispatches received from Her Majesty's government on the subject of military protection in Australia embody terms and conditions which cannot be accepted with due regard to the general interests of the various colonies and lead to the conclusion that the imperial troops will be speedily withdrawn, thus throwing the Australias entirely upon their own resources; that under these circumstances it is desirable that the governments of the several provinces should prepare a memorial to Her Majesty praying Her to cause steps to be taken by treaty or otherwise, that will secure to these colonies as far as practicable, the position of neutral states in time of war.

The motion was defeated, however, and a substitute resolution was adopted drawing the attention of Her Majesty's government "to the duty of providing at all times, and especially in time of war, for the naval defence of the Australian coasts and shipping and expressing the confidence of the colonies that this obligation would be recognized by the imperial government."

Not long after, Mr. Duffy introduced a resolution for the appointment of a Royal Commission to report upon his favorite project of a federal union of the Australian colonies.[2] In support of his motion he referred to the recent federation of the Canadian provinces and emphasized the need for similar action on the part of the Australian colonies in view of the existing foreign complications and the withdrawal of the British troops.[3] Mr. Higinbotham, however, refused to have anything to do with the proposed commission, both on constitutional grounds and because of its apparent anti-imperialistic tendencies.[4] Notwithstanding these objections, the motion was adopted without a division. The membership of the Commission was worthy of

[1] Victoria, *Votes and Proceedings of the Legislative Assembly*, 1870-71, vol. II, no. 30.

[2] *Ibid.*, 1870, vol. I, p. 119.

[3] Victoria, *Parliamentary Debates*, 1870, vol. X, p. 689.

[4] *Ibid.*, p. 691.

the importance of the subject under consideration.[1] Most of the members had held or were destined to hold high ministerial office; three of them in fact, soon after succeeded to the premiership.[2] Both political parties were well represented on the committee, although the Liberals were in a majority.[3]

The Commission presented its report at a critical moment in international affairs. News of the outbreak of the Franco-German War had just reached Australia. The opinion was generally prevalent that England might be drawn into the war in defense of her European interests. The Australian colonies at the moment were practically defenseless. The regular troops had just been withdrawn, the British fleet was temporarily absent, and a French squadron was reported to be cruising off the coast. It is a little wonder, in the circumstances, that the recommendation of the Commission was of a striking, if not a revolutionary, character.

The report of the Commission reflected to a large degree the chairman's own political views and philosophy. Thanks to his experience in British politics, Mr. Duffy had gained an outlook on, and knowledge of, public affairs which was much broader than that of many of his colleagues in the legislature. He clearly saw that colonial policy could not be permanently divorced from imperial and foreign affairs. He was quick, therefore, to take advantage of the opportunity to link up the question of neutrality with that of a federal union of the Australian group.

The British colonies, from which imperial troops have been already withdrawn, present the unprecedented phenomenon of responsibility without corresponding authority or adequate protection. They are as liable to all the hazards of war as the United Kingdom, but they can influence the commencement or continuance of war no more than they can control the movement of the solar system and they have no assur-

[1] Messrs. Duffy, Fellows, Sullivan, MacMahon, MacGregor, Langton, Casey, Kerferd and Berry of the Assembly, and Hon. J. Graham of the Council.

[2] Messrs. Duffy, Kerferd and Berry.

[3] Messrs. Fellows, Langton and Kerferd were members of the Conservative party.

ance of that aid against an enemy upon which integral portions of the United Kingdom can confidently reckon. This is a relation so wanting in mutuality that it cannot safely be regarded as a lasting one and it becomes necessary to consider how it may be so far modified as to afford a greater security for permanence.

It has been proposed to establish a council of the Empire whose advice must be taken before war was declared. But this measure is so foreign to the genius and traditions of the British Constitution and presupposes so large an abandonment of its functions by the House of Commons that we dismiss it from consideration. There remains, however, we think, more than one method by which the anomaly of the present system may be cured.

It is a maxim of international law that a sovereign state cannot be involved in ar without its own consent and where two or more states are subject to the same Crown and allies in peace they are therefore not necessarily associates in war if the one state is not dependent on the other. . . .

The colony of Victoria, for example, possesses a separate parliament, government, and distinguishing flag; a separate naval and military establishment. All the public appointments are made by the local government. The only officer commissioned from England who exercises authority within its limits is the Queen's representative; and in the Ionian Islands, while they were admittedly a Sovereign State, the Queen's Representative was appointed in the same manner. The single function of a Sovereign State, as understood in International Law, which the colony does not exercise or possess, is the power of contracting obligations with other states. The want of this power alone distinguishes her position from that of states undoubtedly sovereign.

If the Queen were authorized by the Imperial Parliament to concede to the greater Colonies the right to make treaties, it is contended that they would fulfill the conditions constituting a Sovereign State in as full and perfect a sense as any of the smaller states cited by public jurists to illustrate this rule of limited responsibility. And the notable concession to the interest of peace and humanity made in our own day by the Great Powers with respect to privateers and to merchant shipping renders it probable that they would not, on any inadequate grounds, refuse to recognize such states as falling under the rule.

It must not be forgotten that this is a subject in which the interests of the Colonies and of the Mother Country are identical. British statesmen have long aimed not only to limit more and more the expenditure incurred for the defence of distant Colonies, but to withdraw more and

more from all ostensible responsibility for their defence; and they would probably see any honorable method of adjusting the present anomalous relations with no less satisfaction than we should.

Nor would the recognition of the neutrality of the self-governed colonies deprive them of the power of aiding the Mother Country in any just and necessary war. On the contrary, it would enable them to aid her with more dignity and effect, as a Sovereign State could, of its own free will, and at whatever period it thought proper, elect to become a party to the war.

We are of the opinion that this subject ought to be brought under the notice of the Imperial Government. If the proposal should receive their sanction, they can ascertain the wishes of the American and African Colonies with respect to it, and finally take the necessary measures to obtain its recognition as a part of the public law of the civilized world.[1]

All the members of the Commission, save Mr. Fellows, a stanch imperialist, signed this part of the report. This result is all the more surprising in view of the bitterness of party feeling which then prevailed.

The report served to bring out clearly the unsettled state of public opinion on imperial questions. The colonies had waged a long struggle against the meddlesome interference of Downing Street in colonial affairs and had at last succeeded in winning an almost complete victory. In more than one quarter the struggle had engendered a critical, if not hostile, feeling towards the mother country. From the days of Rev. Dr. Lang there had been a small republican group in the colonies,[2] and its members had been further recruited by the influx of Irish immigrants. Moreover, the direction of public affairs was gradually passing out of the hands of the older generation of British settlers into the hands of the rising class of native-born Australians. The younger generation were essentially national in their outlook, and it was by no means certain what attitude they would take on imperial questions. For the time being, they were principally concerned with local and intercolonial issues, but they could not entirely neglect the new set of inter-

[1] *Parliamentary Papers,* 1870, Sess. 2, II, 247.

[2] Allin, *The Early Federation Movement of Australia,* p. 283.

national problems which were arising off the Australian coast. The grand scramble for the Pacific Islands had begun. The interests of the Australasian colonies had already clashed with the policy of the British government in the Pacific and the colonies had been made to realize that they could not count upon the wholehearted support of the mother country in case of a conflict with a European state.[1] It almost seemed as if the status of independence might be forced upon them if only to protect their own special interests.

The majority of the colonists, however, were not yet ready to give up their British citizenship, nor did they care to assume the full burdens and responsibility of nationhood. They were dissatisfied with the status of dependency though not yet ready for separation and independence. They were seeking for a readjustment of their imperial relations, but they did not know exactly which way to turn and what to do. There was little doubt as to the sincerity of the sentimental attachment of the great body of the colonists to the mother country. On the other hand there was a question as to their willingness to make material sacrifices for the furtherance of imperial policies upon which they had not been consulted and in which they had no special interest.

The Commission made short shrift of the alternative proposal for an imperial war council. The creation of an imperial council had long been a favorite device of the Tory imperialists to bring about a closer constitutional bond within the Empire. It was one phase and a most important one of the magnificent program of imperial federation. But the colonial autonomists would have nothing to do with such projects of imperial unification. The whole course of colonial history, as the report pointed out, had been in the opposite direction. Colonial self-determination, not centralization, was the true imperial goal. They had indeed good reasons to be suspicious of Downing Street, and of all proposals which looked to the revival or augmentation of imperial authority.

[1] Speech of Premier Stafford, New Zealand, *Parliamentary Debates*, 1868, vol. 4: 199.

The report of the Commission, it is interesting to observe, did not propose the establishment of a permanent status of neutralization, under an international guarantee, as in the case of Belgium and other European states. It did not even go so far as to demand a status of absolute neutrality in time of war. A proposal to this effect would certainly have encountered the strongest opposition from the loyalist population. To obviate this opposition, the Commission suggested a status of optional neutrality in which the colonies would be at liberty to lend England a helping hand in time of need. This conception, it may be observed, is more nearly akin to the idea of benevolent neutrality as entertained in the seventeenth and eighteenth centuries than to the present-day requirements of strict impartiality and nonparticipation.

The key to the whole situation in the opinion of the Commission lay in the grant of the treaty-making power. If this concession could be won, the colonies would soon enter the ranks of semi-sovereign states. Complete independence was undoubtedly necessary to full membership in the circle of nations, but a limited international status might be acquired through the possession of certain international rights and immunities, such as the possession of an international flag, the *jus legationis* and the right to enter into agreements with foreign states.[1] It was to this semi-sovereign status that the Commission aspired. Of these powers the treaty-making was undoubtedly the most important one. This power once conceded, the others would soon follow as a matter of course.

Notwithstanding its striking recommendation, the report failed to attract much public attention either in Victoria or in the sister provinces. That colony was passing through one of its periodic ministerial crises, during which the attention of the members of the legislature and of the public was naturally concentrated on the moves in the political game to the exclusion of more important outside questions. As an upshot of the crisis, Mr. Duffy succeeded to the premiership,[2] but so precarious was

[1] The Charkich, L. R. 4 A. & E. 59. Scott, *Cases on International Law*, p. 48.

[2] Turner, *History of the Colony of Victoria*, vol. II, p. 156.

his upport that he was forced to devote all his political skill and energy to the single task of holding his position. His federal and neutrality proposals accordingly were quietly set aside until a more convenient season.

The question, however, was not entirely overlooked in the legislature. The subject came up incidentally in the course of a discussion on the proceedings of the intercolonial conference at Melbourne in 1871.[1] This conference had been greatly enlivened by a sharp controversy between Sir James Martin, Prime Minister of New South Wales, and Mr. Duffy over the colonial policy of the British government. Sir James Martin, who was a stanch imperialist, had introduced and secured the adoption of a memorandum on the question of imperial preferential trade, one clause of which practically amounted to a declaration of want of confidence in some of the leaders of the British government: "We desire that the connection between the Mother Country and her offspring in this part of the world should long continue and we emphatically repudiate all sympathy with the views of those who in the imperial Parliament and elsewhere have expressed a wish that the bonds which unite us should be severed."[2] Mr. Duffy had strongly objected to the resolution on the ground that it cast an unwarranted reflection upon the honor of Mr. Gladstone and the patriotism of the Liberal party in England. For this action, he was subsequently called to account by the opposition in the Victoria Assembly. Many of the members of the House, particularly the Orangemen and ultra-imperialists, had long suspected the loyalty of the Prime Minister.[3] His conduct at the conference apparently furnished sufficient evidence upon which to base an attack. The lead was taken by Mr. Fellows.[4] The people of the colonies, he declared, objected not only to the policy of separation but also to the project of neutralization. They had no desire to disown the treaty-making power of the imperial

[1] New South Wales, *Votes and Proceedings of the Legislative Assembly*, 1871-2, vol. I: 845.

[2] Victoria, *Parliamentary Debates*, 1871, vol. 13: 1481.

[3] Rusden, *History of Australia*, vol. III, p. 274.

[4] Victoria, *Parliamentary Debates*, 1871, vol. 13: 1588.

government. "If they wanted to get rid of imperial obligations, they must cut the painter". To the imperialists of the House, "neutrality meant separation and nobody wanted that."

The question of imperial relations naturally aroused much greater interest in the Legislative Council than in the Assembly. The Council, by reason of its nominative character and aristocratic personnel, was the special champion of the imperial connection. Many of its members had been watching with grave misgivings the nationalist agitation of the Prime Minister and his friends. The time had come, in their judgment, to call a halt to these attempts to stir up real or imaginary grievances against the mother country. Mr. O'Shanassy, a veteran Irish Australian politician, and a doughty imperialist, accordingly introduced a declaratory resolution in respect to the treaty-making power of the Crown: "This House considers that no advantage could result from the claims set up on behalf of the Australian colonies to make treaties with foreign states which would compensate them politically or commercially for the risk thereby involved of endangering the connection now happily subsisting between all parts of the Empire".[1] Although the resolutions of the Melbourne conference, Mr. O'Shanassy contended,[2] did not expressly demand the right to enter into international agreements, they did indirectly imply it. "That demand in fact involved separation." The colonies were undoubtedly entitled to claim the right to enter into colonial agreements with one another, but this right should not be permitted to encroach upon the full treaty-making power of the Crown.

The debate afforded the Council an excellent opportunity of attesting its loyalty to the Crown, which it did in no uncertain terms. Only one of the members, Mr. A'Beckett, a prominent protectionist leader, ventured to express the hope that some day the Australian colonies would become an independent nation,[3] but he felt himself so hopelessly in the minority that

[1] *Parliamentary Papers,* 1873, C. 703.

[2] Victoria, *Parliamentary Debates,* 1872, vol. 15: 1272.

[3] *Ibid.,* 1286.

he did not even call for a division. The resolution was carried unanimously.[1]

A copy of the report of the Commission was sent to the colonial secretaries and many of the prominent politicians of the sister colonies. The federal feature of the report met with a favorable reception, but the neutrality proposal was received with more or less scepticism. On the whole, the criticism was less adverse than might have been expected. A majority of the replies were discreetly silent on the question of neutrality, particularly in the case of members of the several governments. The leaders of the opposition, on the other hand, felt much more at liberty to express their individual opinions.

Mr. Duffy's program met with a more friendly response in South Australia than in the other colonies. The political leaders of that colony have prided themselves on their progressive spirit and open-mindedness. On this occasion two of the most influential public men of the colony came out strongly in favor of the policy of neutrality. The question, Mr. Strangways[2] declared, "ought to be dealt with at once." An imperial act should be passed raising the colonies to the dignity of sovereign states and conferring upon them all the powers necessarily incident to that status, subject however, to the jurisdiction of Her Majesty upon certain reserved matters. Such a position would not be inconsistent with the maintenance of the protection of the British navy, although a difficulty, he admitted, might arise if England should use colonial ports to facilitate naval operations. Mr. Boucaut[3] was equally emphatic in his endorsement of the necessity and timeliness of the proposal particularly in view of the fact that the colonies had not the slightest voice in deciding on peace and war and that their wishes or interests were not even considered in determining the issue. Moreover, the pacific policy of the Gladstone government had reduced the mother country to a state of naval and military unpreparedness where she was no longer capable of

[1] Victoria, *Parliamentary Debates,* 1872, vol. 15 : 1292.

[2] Former Chief Secretary of the colony. Mennell, *Dictionary of Australasian Biography,* p. 441.

[3] Former Attorney-General, later three times Prime Minister. *Ibid.,* p. 49.

protecting the colonies in case of international emergency. "The first thing they might hear of England being at war would be a hostile Russian expedition."

In New South Wales, Sir James Martin, as was to be expected, came out flat-footed against the proposal.[1] The concession of the treaty-making power, he contended, carried with it, by necessary implication, the right to remain neutral in time of war. Neutrality in turn meant separation, "the greatest calamity which these small communities could sustain." The colonies had no reason to fear for the future since England would be ready to employ her full naval and military strength for their protection in case of need. Sir T. A. Murray, the president of the Legislative Council, likewise attacked the proposal on the grounds of its impracticability.[2] "So long as we form a part or parts of the Empire, we must share the fortunes of the Empire in war as well as in peace. No enemy that had the means or power to attack us would respect our neutrality".

Throughout the colonies, the question awakened a greater interest outside the legislature than within. The press for some time carried on an animated controversy over the issue. *The Age*, the leading organ of the Liberal Protectionist party in Victoria, threw itself into the contest with characteristic enthusiasm.[3] In a series of brilliant editorials, it bitterly arraigned the Little-Englander policy of Earl Granville, Secretary of State for the Colonies. The British government, it charged, had repudiated its primary duty of defending the colonies. Colonial neutrality was the necessary consequence of the English policy of "scuttle". "A community which was liable to be called upon to make an independent defence in time of war must have the corresponding power of making independent peace and consequently the right to declare war or remain neutral". Now that Victoria had become so much of a sovereign state as to possess an independent navy, it followed that she must perform all the

[1] Letter to Mr. Duffy, Dec. 5, 1870.

[2] Letter to Mr. Duffy, Oct. 23, 1870.

[3] Editorial, October 10, 1870.

sovereign duties and enjoy all the sovereign benefits appertaining to her new position. "If then the right to a neutral flag were denied to the colonies, there was no other way out of the difficulty than by accepting Earl Granville's ultimatum as a notice to quit."

Shortly after, *The Age* shifted the center of its attack to somewhat firmer ground.[1] A mere grievance against the Colonial Office was scarcely sufficient to justify a change in imperial relations, especially in view of the fact that the colonies had been protesting against imperial control of colonial affairs. From a military standpoint, the withdrawal of the imperial troops might appear as an act of base desertion, but from a political point of view, as the Liberals clearly recognized, it was an important step in the development of colonial nationalism. It was much more logical, therefore, for the colonial nationalists to rest their case upon the real or supposed incompatibility of colonial and imperial interests. "A country like Australia," *The Age* declared, "nominally connected with England but separated from it by half the circumference of the globe, and consequently having no community of social or material interests with it, cannot properly be identified with it in war. This exceptional position is the ground-work of the proposed neutrality."

Several other leading papers with Liberal political affiliations including the Melbourne *Leader*,[2] the Adelaide *Observer*,[3] the Sydney *Empire*,[4] and the Hawkes Bay *Herald*[5] of New Zealand, also favored the neutrality program. The two latter papers, however, supported the project with some misgiving and qualifications. They agreed that some remedy must needs be found for the "anomalous" position of the colonies, but they were by no means sure that neutrality was the best or only possible remedy, though it did hold out certain great practical advantages. The *Empire* was especially pleased with that phase of the report which reserved to the colonies the right of coming to the assistance of the mother country in case of need.

[1] Editorial, Jan. 21, 1871.
[2] Editorial, Oct. 8, 1870.
[3] Editorial, Oct. 10, 1870.
[4] Editorial, Oct. 10, 1870.
[5] Editorial, Mar. 10, 1871.

"But it would be in accordance with the loyal attachment of the colonists to the nation from which they have sprung to have in reserve the right which the law of nations would secure to them of entering into the struggle as her allies and encountering all the risks of war for her sake."

The Conservative papers, on the other hand, were generally hostile to the whole proposal. Many of them still held fast to the ancient tradition of imperial loyalty and dependency, in the face of the growing spirit of colonial nationalism. They would gladly have dismissed the whole question summarily but did not dare to do so in view of its momentous character and its popular appeal to nationalist sentiment. The Melbourne *Argus*,[1] the leading Conservative paper of Victoria, characterized the one-sided neutrality feature of the report as "too preposterous to be entertained for a moment". The relation of the colonies to the British Crown "was causal and not casual". The grant of the treaty-making power did not assure the immunity of the colonies since foreign states could not be expected "to take notice of our internal arrangements". The Sydney *Morning Herald* took much the same position.[2] The *Daily Telegraph* was inclined to believe that a federation of the Empire held out better prospects of solving international problems than did the policy of neutrality. In the end, the colonies would have to choose between "sharing England's perils or renouncing her glories".[3]

The neutrality movement was based upon a combination of three distinct factors; colonial pique, national pride and the law of self-preservation. The colonists, as we have seen, were greatly annoyed at the many manifestations of the influence of the Little-Englanders on the policy of the British government. The Manchester School, unfortunately, reserved much of its idealism for international affairs. Its policy on imperial matters was too often narrow-minded and materialistic. It was always prone to sacrifice the economic welfare of the colonies in the interest of imperial free trade. In furtherance of this policy

[1] Editorial, Oct. 7, 1870.

[2] Editorial, Aug. 11, 1870.

[3] Editorial, Oct. 6, 1870.

the English government had inserted a clause in the constitutions of the Australian colonies, prohibiting them from imposing differential duties, even in respect to intercolonial trade.[1] Against this obnoxious limitation, the colonies had protested in vigorous terms [2] but the protests served only to call forth didactic dispatches from the Colonial Office on the wisdom of free trade.[3] The indignation of the Australian colonies was the more justifiable since the Canadian provinces had long enjoyed the right of entering into reciprocal commercial relations with one another. To add still furthur to their indignity, they were obliged to listen at the same time to frequent well-intended intimations that the time had come for them to set up independent establishments of their own. A majority of colonists were indeed both ready and willing to take over the management of their own affairs, but they did resent most keenly the tone of these criticisms in view of the restrictive policy of Downing Street. In brief, the whole attitude of the English government seemed at times to be selfish and hypocritical.

The neutrality program was also an expression of a growing sense of Australian nationalism. The colonies were developing a group consciousness of their own. They were no longer content to be dependencies but were aspiring to a higher national and international status. Federation and neutrality were complementary policies. One of the chief objects of the proposed federal union was to enlarge the constitutional powers of the colonies. The right of colonial self-government had gradually been extended from purely domestic to intercolonial and imperial questions of a commercial character. The attempt was now being made to extend these rights still farther so as to include the great residuary imperial powers of peace, war and treaty-making. The spirit of colonial nationalism could not be limited to intra-imperial questions only; it soon sought an international sphere of activity. The policy of neutrality was a striking expression of this new sentiment. The internal and

[1] Allin, *Early Federation Movement of Australia,* Appendix B, p. 423.

[2] *Parliamentary Papers,* 1872, C. 676.

[3] Victoria, *Votes and Proceedings of the Legislative Assembly,* 1871, vol. I, B. no. 4.

external relations of the colonies could not be kept permanently separate in air-tight compartments. The grant of a Dominion status carried with it, necessarily, in course of time, a concession of the right of independent action in foreign affairs.

The primary factor in the neutrality agitation, however, was the need for defense. The colonies had long been accustomed to look to the British government for protection against foreign danger. Their isolation from Europe had strengthened their sense of security. But this false feeling of safety quickly disappeared with the withdrawal of the British troops. The Australian colonies suddenly found themselves face to face with the great Russian bear in the Pacific and embroiled at the same time in a serious controversy with France over the disposition of the neighboring oceanic islands. For many years they had enjoyed all the advantages of British protection without any of its burdens and responsibilities. But the British tax-payer had at last revolted against this one-sided arrangement. The tables were quickly turned. The colonies now found themselves called upon to assume the burden of their own military defense without having any control over foreign policy. They were both unprepared and defenseless. They had clamored for greater rights of self-government but were now alarmed at the new responsibilities which were thrust upon them. From the political standpoint, their position was indefensible. They were desirous of holding on to the advantages of British connection without at the same time sharing its dangers. They had found shelter so long behind the skirts of the mother country that they naturally looked around for a safe hiding-place when this protection was withdrawn. The policy of neutrality was far from heroic, but it held out the prospect of immunity from foreign attacks. The difficulty was to reconcile this policy with their allegiance to the British Crown.

The report of the Commission attracted but litle attention in English political circles. The government took no notice of it whatever, and Parliament was too much absorbed with local partisan questions to pay any attention to what was going on in the Antipodes. The British public was still hopelessly insular in its outlook. For the most part it was ignorant of, or indif-

ferent to, what was going on in the colonies, save in so far as colonial policies and events affected the course of British trade. The nation had not yet begun to think imperially. A few of the London papers, however, were making a praiseworthy effort to keep in touch with colonial affairs. Fortunately, the Commission's report did not escape their attention nor did they fail to see the significance of this new phase of imperialism.

The proposal, in the judgment of *The Times*,[1] was "too artificial" to be recognized by foreign belligerents. So far as England was concerned, there was no desire to let the colonies go or to resist their separation if they thought it best to cut loose. "As for the rest, time and events will best teach us how to promote and secure those relations of amity and affection which at present are happily strong and undisturbed." *The Economist* was even more critical in its analysis of the plan.[2] The recommendations of the Commission, it admitted, were "most natural and human" in view of the particular circumstances, but the proposal itself was a tangle of inconsistencies. To correct a colonial anomaly it was proposed to set up other anomalies against Great Britain. A mere personal union between states divided by the whole earth would be as ridiculous as it would be inconvenient.

> The truth seems to be that both the United Kingdom and the colonies must choose boldly between the policy of independence and the policy of real identification of interests in all imperial matters. . . . A colony might be neutralized for a time as a sort of half-way house to separation, but to separation neutralization must inevitably lead. The first time that a colony found itself compelled to close its ports against a ship of war of the Mother Country, to pass a foreign enlistment act against us and to exhort its citizens to take no part in our quarrel, the final dissolution between that colony and the Mother Country would be a mere question of weeks and days.

The opposition or indifference of the motherland put a damper on the hopes of the Australian neutralists. They were forced to realize that they could not count upon the support of the British government as they had anticipated, and without

[1] Editorial, Dec. 6, 1870.

[2] Editorial, Dec. 1870.

that support there was no hope of securing a recognition of the international status of the colonies, since the only constitutional means of communication with foreign nations was through the British Foreign Office. But this disappointment would not have sufficed to kill the movement if the neutralists had had strong backing at home. The colonists were accustomed to the *non possumus* attitude of the British government and the indifference of the British people. Almost every colonial reform had undergone some such experience, but so far from discouraging the colonists, these rebuffs had generally served to arouse their fighting spirit to such a pitch that the Colonial Office had been forced in the end to give way. But in this case the neutralists could not count upon the unanimous or wholehearted support of their fellow-countrymen. The movement at best was a local and factional movement which failed to command the support of any political party or to make a national appeal.

The primary reason for the failure of the movement was undoubtedly its separatist character, as viewed by the general public. The movement was unfortunate in its leader. Mr. Duffy was a keen politician and a far-seeing political leader, but by reason of his early Irish revolutionary connections, he failed to command the same measure of public confidence that was vouchsafed to many of his less distinguished contemporaries. There was no valid reason after his migration to Australia to doubt his loyalty to the Crown or his devotion to the interests of his adopted country.[1] It must be admitted, however, that notwithstanding his vigorous Australian nationalism, he never succeeded in freeing himself from certain pronounced Irish prejudices and predilections to which a majority of his fellow citizens decidedly objected. His views on imperial problems were always subjected to the closest scrutiny by his political opponents with the aim of discovering, if possible, any evidence of anti-English feeling. In this case, the public was by no means sure as to the motives which were back of the proposal or as to the ultimate end in view. According to popular opinion, there were indeed two Duffys, the Irish suspect

[1] For contrary view see Rusden, *History of Australia,* vol. II, p. 302.

and the Australian patriot. The question arose, therefore, which of the two was speaking in the report, and upon that question there was a division of opinion.

But the proposal itself, apart altogether from its author, was generally regarded as unsound in principle and dangerous to the British connection. The general public was not able to distinguish between neutrality and separation. Both the proposal and the arguments which were advanced in its support seemed to point in but one direction, namely, independence. The colonists did not understand the dual or reversible conception of citizenship which neutrality entailed. They were proud of their British allegiance and did not take kindly to the idea of throwing it off according to the particular exigencies of the moment. They were not prepared to sell their citizenship for a mess of pottage.

The policy of neutrality, moreover, was generally regarded as unworkable in practice. The plan of the Commission was manifestly faulty in conception, defective in outline and inequitable in operation. It presented a whole series of legal difficulties as to the rights and obligations of the colonies toward the motherland and her enemies. It was by no means certain that foreign belligerents would recognize the neutrality of the colonies in such a jughandled arrangement. The policy of neutrality was at best an unsatisfactory compromise in which the colonies would still be subject to many of the limitations of dependencies without attaining all the advantages of independent citizenship. Their constitutional and international status would still be uncertain. As neutrals, they could not count upon either English protection or international immunity. It is small wonder, in the circumstances, that a majority of the colonists were of the opinion that complete independence would be preferable to a qualified neutrality in case a change of status should become necessary or expedient.

Shortly after the issuance of the report, European affairs took a more peaceful turn and this reacted unfavorably upon the neutrality movement. Great Britain, fortunately, was able to keep out of the Franco-German War. The policy of the mother country was manifestly peaceful and after the treaty of

Frankfort the whole of Europe apparently settled down to a calmer and more sober existence. With the passing of the European war cloud, the colonies soon forgot all about their imperial war problems and turned once more to local politics and their old parochial issues.

But there was one international question which they could not overlook, namely, the French penal settlements in the Pacific. The colonies were justly indignant at this moral pollution of the Pacific, so close to their own shores.[1] But they could do nothing by and of themselves. Their only means of redress was to appeal to the British government to use its good offices to secure an abatement of the nuisance. From the standpoint of the Australian colonies, the center of international interest had shifted for the time being from Europe to the Pacific. The rôles of colonies and the mother country were now reversed. The colonies were no longer being dragged at the chariot wheel of the British war lords; they had climbed up on the steps of the chariot and were trying to get hold of the reins of the British Foreign Office and direct its policy in the Southern Pacific to their own political ends. In short, the colonists were desirous of setting up a Monroe Doctrine of their own under the British flag. They were asking for British intervention in Australasian affairs. The advantages of the British connection were brought home to the colonies in realistic form. The ground was suddenly taken from under the feet of the neutralists. Their own materialistic arguments were turned against themselves. The colonists found out from experience that British citizenship was an asset, not a liability, a means of protection, not a source of danger, and that their political and economic interests coincided in the long run with their loyal attachment to the Empire. When this fact was made manifest, the neutrality agitation quickly petered out and was soon forgotten. Nothing more was heard of the subject until the South African War again revived interest in the question.

But that is another story.

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[1] Quick and Garsan, *Annotated Constitution of Australia,* pp. 110-11.